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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/543,536

04/05/2000

Goran Rune

2380-225

7185

7590

12/19/2003

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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/19/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/543,536

**Applicant(s)**

RUNE ET AL.

**Examiner**

Tilahun B Gesesse

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 31 is/are rejected.
- 7) ☒ Claim(s) 22-30 and 32-46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/6/03 have been fully considered but they are not persuasive for the following reasons.

It is noted that applicant's respond calls the previous office action after final. However, the office action on June 3, 2003 has been non-final, as it has been explained during phone call on November 20, 2003.

On page 2, second paragraph of applicant's response dated 10/6/03; applicant argued that Boudreaux does not teach "information for linking a transport channel utilized for the service with a radio access bearer for the service."

The examiner disagrees. Boudreaux '556 discloses traffic channels are routed through DRNC 214 to SRC 206 where the channel is anchored via RRC 210. An RAB downlink 231 and uplink 232 connect RRC 210 to buffers 223 of SRNC 206, (column 6 lines 26-34 and column 6, lines 63-column 7 line 3). This teaching of Boudreaux' 556 reads to applicant limitation "information for linking a transport channel" that applicant argues.

On page 3, third paragraph of response, applicant argued that Boudreaux' 556 has a problem of handling real time data streams during SRNC relocation. Applicant's claimed invention, on the other hand, ensures that the service is mapped onto transport channels and thereby onto the physical channels/channels of the radio interface by the target RNC in the same way as it was by the old SRNC.

The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the service is mapped onto transport channels and thereby onto the physical channels/channels of the radio interface by the target RNC in the same way as it was by the old SRNC.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Besides applicant's independent claims are too broad to be distinguished from the applied prior art.

Boudreaux teaches a radio access network which performs a serving radio network controller (SRNC) relocation procedure for telecommunication service involving a user equipment (UE) (140 of figure 1A) due to the movement of UE 140 a serving Radio Network Controller (303) signals a "relocation requested" to SGSN (306) accordingly the SGSN signals to the DRNC (301) the SRNC relocation request is processed (figure 3). Further more, Boudreaux teaches a drift RNC (DRNC) 214 is serves a given UE 140 and traffic channels are routed through DRNC 214 to SRNC 206 (column 6 lines 28-34 and figure 2A). Therefore, Boudreaux teaches the linking a transport channel "traffic channels are routed from DRNC "first" to SRNC "second" radio network controller.

Finally, applicant fails to address or make correction to the claim objected during the previous action.

***Claim Objections***

2. Claim 2 is objected to because of the following informalities: claim 2 depends on claim 2; this is an error appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-21 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Boudreaux (us 6,466,556).

As to claims 1-2,7,9,13, Boudreaux discloses a method of performing, for a telecommunication service (fig.1), relocation of a role of a serving radio network controller (SRNC)(303) from a first radio network controller (RNC)(303) to a second radio network controller (301)(figs.3-6), wherein for the service for which the relocation occurs the first radio network controller signals to the second radio network controller information for linking a transport channel utilized for the service with a radio access

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(RAB) for the service (column 6, lines 15-31, column 7, lines 45-65 and figures 2A and 3).

As to claim 3, 14, Boudreaux discloses signaling the information for linking the transport channel utilized for the service with a radio access bearer (RAB) for the service at a time when a user equipment unit (UE) (312) involved in the service is not changing cells (it due to point of attachment the handover and relocation to new RNC takes place not due to change of cells, col. 5 line 44-col.6 line6).

As to claim 4, 11, 15 Boudreaux discloses the signaling from the first radio network controller to the second radio network controller occurs via a core network (110) (fig.1B). As to claim 5, 16, Boudreaux discloses the transport channel utilized for the service is a dedicated transport channel (DCH) (col.4 lines 38-49).

As to claims 6, 8, 10, 17, 19-21 and 31, Boudreaux discloses the first radio network controller signals to the second radio network controller information for linking uplink and downlink transport channels utilized for the service with a radio access bearer (RAB) for the service (fig.3-6). As to claims 12 and 18, Boudreaux discloses everything as explained above, and further more, Boudreaux discloses handover procedure, which is analogous to relocation procedure (col.6 line 60-col.7 line13).

***Allowable Subject Matter***

5. Claims 22-30, 32-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the combined feature of " a transport channel identifier and a radio access bearer identifier in both a relocation required message and a relocation request message", was not found nor suggested in the prior art.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rune et al (6,618,589) discloses UE moves from serving RNC to a new RNC updates the connection based on the new RNC (column 3, lines 51-63).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG

December 15, 2003

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*Tilahun B. Gesesse*  
TILAHUN GESESSE  
PATENT EXAMINER